

REMARKS

Claims 1-12, 24-33, 44-53, 64, 66, 68 and 69 are pending. Claims 13-23, 34-43, 54-63, 65 and 67 have been canceled without prejudice. Applicant reserves the right to resubmit the canceled Claims and states that the subject matter of these Claims has not been dedicated to the public. The Final Action, dated May 8, 2007, in this Application has been carefully considered. The above amendments and the following remarks are presented in a sincere attempt to place this Application in condition for allowance. Claims 1, 24, 25, 44, 45, 64, 66, 68 and 69 have been amended in this Response. New Claims 70-80 are added. As a result, Claims 1-12, 24-33, 44-53, 64, 66, 68 and 69-80 remain pending. Reconsideration and allowance are respectfully requested in light of the above amendments and following remarks.

Claims 1-12, 24-33, 44-53, 64, 66, 68 and 69 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner objects to the use of the term “microscopic device.” Claims 1, 24, 25, 44, 45, 64, 66, 68 and 69 have been amended to remove the word “microscopic.” Claims 2-12, 26-33 and 46-53 depend from a respective one of Claims 1, 24 and 44, but do not recite “microscopic.” Therefore, Claims 1-12, 24-33, 44-53, 64, 66, 68 and 69 no longer recite the limitation “microscopic device” that formed the basis for the 35 U.S.C. § 112, first paragraph rejections. Accordingly, Applicant respectfully requests that the 35 U.S.C. § 112, first paragraph rejections be withdrawn.

Claims 24, 66 and 69 stand rejected under 35 U.S.C. § 102(e) by U.S. Patent No. 6,441,481 to Karpman (“Karpman”). In light of the amendments submitted herewith, Applicant respectfully submits that the rejections have been overcome. Accordingly, Applicant respectfully requests that the rejections be withdrawn.

Rejected independent Claim 24, as now amended, more particularly recites one of the distinguishing characteristics of the present invention, namely “forming a housing over the device, the housing having at least one aperture, the aperture having a size and shape such that a removing material is able to pass through the aperture but a protective material cannot pass through the aperture” Support for this amendment can be found, among other places, in paragraphs [0010], [0023], [0025] of the original Application, as referenced in the published Application.

Karpman was cited as allegedly fully disclosing the limitations of Claim 24. Specifically, the Examiner cited Figures 7 and 10-15, along with column 4, lines 50-55. However, Karpman does not disclose a housing having at least one aperture, the aperture having a size and shape such that a removing material is able to pass through the aperture but a protective material cannot pass through the aperture. Instead, Karpman discloses that overmold 50, alleged by the Examiner to be a protective material, is selectively deposited only in specific, desired locations. See Karpman, Figure 5 in light of column 4, lines 52-56, stating “[t]he overmold 50 is ... poured in between the frit glass posts 22 and then hardens” (Emphasis added.) Therefore, Karpman suggests that control over the pouring of overmold 50, rather than a size and shape of an aperture, determines where overmold 50 remains for hardening. Thus, Karpman does not teach, suggest or disclose that overmold 50 cannot pass through an aperture, and therefore does not teach, suggest or disclose that a protective material cannot pass through an aperture.

In view of the foregoing, it is apparent that the cited reference does not teach, suggest or disclose the unique combination now recited in amended Claim 24. Applicant therefore submits that amended Claim 24 is clearly and precisely distinguishable over the cited reference in a patentable sense, and is therefore allowable over this reference and the remaining references of

record. Accordingly, Applicant respectfully requests that the rejection of amended Claim 24 under 35 U.S.C. § 102(e) be withdrawn and that Claim 24 be allowed.

Independent Claims 66 and 69 now each recite “forming a housing over the device, the housing having at least one aperture [and] forming the shape and size of the aperture, such that a removing material is able to pass through the aperture but a protective material cannot pass through the aperture” Support for these amendments can be found, among other places, in paragraphs [0010], [0023], [0025] of the original Application, as referenced in the published Application.

Applicant contends that the rejections of amended Claims 66 and 69 are overcome/traversed for at least some of the reasons that the rejection of Claim 24, as amended, is overcome/traversed. These reasons include Karpman not disclosing, teaching, or suggesting that a protective material cannot pass through an aperture. Applicant therefore respectfully submits that amended Claims 66 and 69 are clearly and precisely distinguishable over the cited references in any combination.

Claims 1-5, 7, 8, 10-12, 24-28, 30-33, 44-48, 50-53, 64, 66, 68 and 69 stand rejected under 35 U.S.C. § 103(a) by U.S. Patent No. 5,427,975 to Sparks et al. (“Sparks”) in view of U.S. Patent No. 5,869,356 to Fuller et al. (“Fuller”). Claims 6, 29 and 49 stand rejected under 35 U.S.C. § 103(a) by Sparks in view of Fuller and in further view of U.S. Patent No. 5,366,906 to Wajnarowski et al. (“Wajnarowski”). Claim 9 stands rejected under 35 U.S.C. § 103(a) by Sparks in view of U.S. Patent No. 6,214,640 to Fosberry et al. (“Fosberry”). In light of the amendments submitted herewith, Applicant respectfully submits that the rejections have been overcome. Accordingly, Applicant respectfully requests that the rejections be withdrawn.

Rejected independent Claim 1, as now amended, more particularly recites one of the distinguishing characteristics of the present invention, namely “the apertures having a size and

shape such that a removing material is able to pass through at least one of the apertures but a protective material cannot pass through the apertures” Support for this amendment can be found, among other places, in paragraphs [0010], [0023], [0025] of the original Application, as referenced in the published Application.

The proffered combination of Sparks and Fuller was cited as allegedly fully disclosing the limitations of Claim 1. Specifically, the Examiner cited Figures 9a-9d and columns 6 and 12 of Sparks, along with column 4 of Fuller. However, the proffered combination of Sparks and Fuller does not disclose a housing having at least one aperture, the aperture having a size and shape such that a removing material is able to pass through the aperture but a protective material cannot pass through the aperture. Instead, Sparks discloses that film 54, alleged by the Examiner to be a protective material, does pass through openings 52. See Figure 9d of Sparks, clearly showing film 54 passing through both openings 52 and dripping onto substrate 10. Therefore, Sparks suggests locating openings 52 away from element 18, so that any drips of film 54 do not interfere with element 18. Thus, Sparks does not teach, suggest or disclose that film 54 cannot pass through openings 52, and therefore does not teach, suggest or disclose that a protective material cannot pass through an aperture. Fuller is not relied upon for this aspect of Claim 1, nor does Fuller teach, suggest or disclose this aspect of Claim 1.

In view of the foregoing, it is apparent that the cited reference does not teach, suggest or disclose the unique combination now recited in amended Claim 1. Applicant therefore submits that amended Claim 1 is clearly and precisely distinguishable over the cited reference in a patentable sense, and is therefore allowable over this reference and the remaining references of record. Accordingly, Applicant respectfully requests that the rejection of amended Claim 1 under 35 U.S.C. § 103(a) be withdrawn and that Claim 1 be allowed.

Independent Claim 44 now recites “determining a shape and size for an aperture, such that a removing material is able to pass through the aperture but a protective material cannot pass through the aperture [and] forming a housing over the device, the housing having at least one aperture with the determined size and shape” Similarly, independent Claim 66 now recites “forming a housing over the device, the housing having at least one aperture [and] forming the shape and size of the aperture, such that a removing material is able to pass through the aperture but a protective material cannot pass through the aperture ...” and independent Claim 68 now recites “creating one or more apertures in the housing of structural material to expose at least a portion of the adjacent sacrificial material, such that a removing material is able to pass through the aperture but a protective material cannot pass through the aperture” Support for these amendments can be found, among other places, in paragraphs [0010], [0023], [0025] of the original Application, as referenced in the published Application. Amendments to independent Claims 24, 66 and 69 are described above.

Applicant contends that the rejections of amended Claims 24, 44, 64, 66, 68 and 69 are overcome/traversed for at least some of the reasons that the rejection of Claim 1, as amended, is overcome/traversed. These reasons include Sparks and Fuller not disclosing, teaching, or suggesting that a protective material cannot pass through an aperture. Applicant therefore respectfully submits that amended Claims 24, 44, 64, 66, 68 and 69 are clearly and precisely distinguishable over the cited references in any combination.

Claims 2-5, 7, 8, 10-12, 25-28, 30-33, 45-48 and 50-53 depend from and further limit a respective one of Claims 1, 24 and 44. Hence, for at least the aforementioned reasons, these Claims should be deemed to be in condition for allowance. Applicant respectfully requests that the rejections of dependent Claims 2-5, 7, 8, 10-12, 25-28, 30-33, 45-48 and 50-53 also be withdrawn.

Claims 6, 29 and 49 depend from and further limit a respective one of base Claims 1, 24 and 44, and therefore inherit all the limitations of their respective base Claim. As shown above, the proffered combination of Sparks and Fuller does not teach, suggest or disclose all of the limitations of Claims 1, 24 and 44. Wajnarowski is not relied upon to supply the missing limitations. Therefore, the proffered combination of Sparks, Fuller and Wajnarowski does not teach, suggest or disclose all of the limitations of Claims 6, 29 and 49. Accordingly, Applicant respectfully requests that the rejections of dependent Claims 6, 29 and 49 also be withdrawn.

Claim 9 depends from and further limits Claim 1, and therefore inherits all the limitations of Claim 1. As shown above, Sparks does not teach, suggest or disclose all of the limitations of Claim 1. Wajnarowski is not relied upon to supply the missing limitations. Therefore, the proffered combination of Sparks and Wajnarowski does not teach, suggest or disclose all of the limitations of Claim 9. Accordingly, Applicant respectfully requests that the rejection of dependent Claim 9 also be withdrawn.

New Claims 70-80 are added, of which Claims 70 and 80 are independent. Applicant asserts that no new matter has been entered by these new Claims and that these new Claims are patentable over the cited references. Support for these new Claims can be found, among other places, in paragraphs [0010], [0023], [0025] of the original Application, as referenced in the published Application, and in the originally-submitted Claims.

Applicant has now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-12, 24-33, 44-53, 64, 66, 68 and 69-80.

Applicant hereby requests continued examination in connection with this submission and hereby authorizes the Commissioner to charge the required fees to Deposit Account No. 50-0605 of CARR LLP. Applicant does not believe that any other fees are due; however, in the event that any other fees are due, the Commissioner is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 50-0605 of CARR LLP.

Should the Examiner deem that any further amendment is desirable to place this Application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

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